Attorney's Practice

Epitomiz'd;

OR,

The *Method* and *Times* of Proceeding in the Courts of

King's Bench and **Common Pleas,**

From the Commencement of a Suit, to the Trial, final Judgment and Execution; so advantageously placed in opposite Columns, as to shew at one View, the Agreement or Difference in the Practice of the said Courts: Whereby many Defaults and Irregularities (which frequently happen) may be prevented.

Calculated for the quick Dispatch of Business with Ease and Certainty, and to save the Time and Trouble of searching Books.

Perused by Gentlemen in several Offices, &c.

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In the SAVOY:

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Actions.

Within what Times to be brought.

CASE, except for Slander; *Account*, except concerning Merchandize b tween Merchant and Merchant; *Trespass*, *Debt*, *Detinue*, *Trover*, *Replev* and *Trespass quare clausum fregit*, to be brought in 6 Years after Cause Action. *Assault*, *Menace*, *Battery*, *Wounding* and *Imprisonment* in 4 Years; a *Slander* in 2 Years: But Infants, Feme-Coverts, Persons *Non Compos Mentis*, I prisoned or beyond Sea, may sue within said Times after full Age. Discove Sane Memory, at large, or Returned, *&c.* *Stat.* 21 *Jac.* 1. *c.* 16.

Affidavit for Bail.

When Deft. is to be held to Special Bail, Affidt. of the Cause of Action m be made, which may be sworn before a Judge, Comr. of the Court, or the Offi or his Deputy, who Issues the Process. St. 1 *s.* Oath 1 *s.* Nothing filing.

Process.

King's Bench. *Of Suing it out.* *Common Pleas.*

Bill of Middx.] Make a Præcipe, Get a Blank Bill, (1 *s.* 6 *d.* ½) Fill it up; carry the Præcipe, Bill, (and Affidt. if bailable) to the Bill of *Middx.* Office, and the Officer will sign it (in Term 6 *d.* in Vac. 10 *d.*) It is not to be sealed. If bailable the Sum sworn to must be Indorsed: And if it is not executed before the Return, sue out an *Al.* or after that a *Plur.*' (sign. each 2 *d.*) For a *Non Omit. Bill*, pay the same as for a Common Bill.

Lat.] Make a Præcipe; get a Blank (1 *s.* 6 *d.* ½.) Fill it up; carry the Præcipe, Lat. and Affidt. (if bailable) to the *K. B.* Office, and Mr. *Hawley* will sign the *Lat.* (2 *s.* 6 *d.*) Sealing 7 *d.* If bailable, the Sum sworn to must be Indorsed. If *Lat.* be not executed, sue out an *Al*', or after that a *Plur*') Pay nothing for signing either. 7 *d.* sealing each. After the 1st *Plur*' a 2d, *&c.* for 4 Terms from the suing out the *Lat.* And after that a new *Lat.*

Non Omittas.] If Deft. lives in a Liberty, sue out a *Non omit.* if a *Lat.* has been sued out before, pay nothing signing and sealing; if not 2 *s.* 6 *d.* signing, and 1 *s.* 2 *d.* sealing.

Ca.] Make a Præcipe; take it the proper Filazer, (and the Affidt bailable) and he will make out the pay if he finds St. 3 *s.* 8 *d.* if 4 De or less, and 1 *s.* more for every othe Then get it sealed at the Seal Office bailable, the Sum sworn to must be dorsed. And if it is not executed fore the Return, sue out a *Ca. Con.* (to the Filazer 2 *s.* 4 *d.* and every *post Ter*' 4 *d.* Sealing 7 *d.*) after that another *Con*', &c.

Test. Ca.] If Deft. lives in County, and you would try the Caus another, make out a Test. into County where Deft. lives. Make a P cipe, *&c.* as before. Or if you out a *Ca.* and before it is exec Deft. goes out of the Co. Make o *Test. per Con.* into the Co. where gone to. To Filazer for *Test.* 6 *s.* seal. 1 *s.* 2 *d.* and for *Test. per Con.* 4 *s.* Seal. 7 *d.*

Non Omittas.] If Deft. live a Liberty, you may sue out a *Omit.* by making a Præcipe, *&c.* as fore. Pay to the Filazer 8 *d.* se 1 *s.* 2 *d.* and for a *Non Omit. Test.* t lazer 11 *s.* 4. Sealing 1 *s.* 9 *d.*

K. B.

Att. of Privilege. Make no Præ-
e; Ingrofs the Att. (Stamp 1 *s.* 6 *d.*)
it sign'd by Mr. *Hawley*, pay him
hing. Sealing 7 *d.*

C. P.

Att. of Privilege. Make a Præcipe; Ingrofs the Att. (St. 1 *s.* 6 *d.*) get it mark'd by the Cl' of the Warrants, sign'd by Prothon. (nothing paid for either) Seal. 1 *d.*

Of Executing it.

When an Action is not bailable, Deft. is to be personally served with Copy of ocess, with Notice subscribed of the Intent of the Service: But if bailable give Writ to a Sher' Officer, who will get a Warrant thereon (in *Middx.* 4 *d.* *Essex*, ry and *Kent* 6 *d.* in *Westm.* Warrant from High Bailiff 2 *s.* 4 *d.* in other Coun- Sheriff's Warrant usually 2 *s.* 6 *d.*) upon which he will arrest Defendant.

Common Bail.

With whom to be filed.

With Clerk of the Com. Bails. Pay Term 1 *s.* 2 *d.* but if not filed before c. of same Term Process is return- e, 4 *d.* more for *post. Ter.* But you t pay for another *post Ter.* 'till the . of the subsequent Term.

Appearance.

With whom to be entered.

Must be entered with the Officer where the Process issued, as upon a *Ca.* with Filacer, and upon Attach. of Privilege with Prothon. Pay at Filacers 2 *s.* for one Defendant; several sued jointly, 2 *s.* for 1st Defendant, and 4 *d.* every other Deft. if sued separately 2 *s.* every Defendant.

When to be filed

y Defendant in 8 Days after Return of Process; or after then, *By Plaintiff* ac- ing to the Stat. Affidavit of serving Process being made, which may be n before a Judge, Commissioner or Officer for entering common Appearances, is Deputy, and filed *gratis.* *Stat.* 5 *Geo.* 2. *c.* 27.

With the Clerk of the Rules.

When to be entered.

Where the Appearance is enter'd.

Special Bail on Cepi Corpus.

K. B. *When to put it in.* *C. P.*

Defendant be arrested in *London* or *Middlesex*, he must put in special Bail to Action. In 4 Days *(exclusive)* after Return of the Process: or the Bail-Bond be assigned. And if arrested in any other County,

In 6 Days. *Mich.* 8 *A.*

In 8 Days. *Hill.* 9 *Ann.*

t if the last Day of the said Times happens on a *Sunday* it may be put in the Day.

How to put it in.

1. *In* London.

grofs the Bail-piece on a double Stamp'd Piece of Parchment; carry a Judge's Chambers, and having Bail with you ready, apply to the e's Clerk to take the Bail, to whom pay 4 *s.* in Term, and 5 *s.* in the

Go to the Filacer, and he or his Clerk will attend the Court or Judge to take the Bail, which in *London* and *Middlesex* is done by an Entry in the Filacer's Book, and not by a Bail-piece; and if it is *ad sect.* a privileged Person, the Prothon.'s Clerk will attend the Court or Judge. But in the Filacer's Absence it be taken in the Judge's Chambers on bringing a true Abstract of the Writ. s. in Term, and 12 *s.* in Vac. at the Judge's, and 4 *s.* 6 *d.* to the Filazer.

K. B. 2. In the Country. *C. P.*

Take the Bail-piece to a Commiſſioner of the Court, and he will take the Recognizance. Affidavit of taking it muſt be made either before a Judge of the Court to whom the Bail-piece ſhall be tranſmitted, or before a Commiſſioner, which muſt be annexed to the Bail-piece.

Notice of putting it in.

1. Immediately after putting in Bail before a Judge, Notice thereof ſhould be given to the Plaintiff's Attorney that he may inquire into the Sufficiency of it.

2. If put in before Commiſſioners, Notice muſt be given within 4 Days after Caption. *M.* 13 *Geo.* 1. *C. B.*

K. B. *When to be Tranſmitted.* *C. P.*

If taken by a Commiſſioner within 40 Miles of *London* and *Weſtminſter*, to be Tranſmitted to a Judge of the Court, to be by him allowed.

In 8 Days after Caption.	In 10 Days after Caption.

And if taken above 40 Miles from *London* and *Weſtminſter*,

In 15 Days.	In 20 Days.

Unleſs all the Judges be in their Circuits, and then as ſoon as any of them returns to *Lond.* *T.* 4 *W. & M. B. R. & E.* 5 *W. & M. & H.* 6 *G.* 1. *C. B.*

When Filed, after Tranſmitted.

In *C. B.* as ſoon as Bail-piece is Tranſmitted, it muſt be filed with Filazer (pay him 6*s.*) or Prothonotary, as the Caſe is. *H.* 6 *G.* 1. *M.* 6 *G.* 2. But not without Leave of Court, if not Tranſmitted in the Times above limited. *M.* 6 *G.* 2. But in *B. R.* it remains at the Judge's Chambers till the Bail is perfected.

K. B. *Excepting againſt Bail.* *C. P.*

1. *In what Caſes.*

In this Court if the ſame Bail be put in above as were Bail to the Sheriff, the Plaintiff may not except againſt it.	In all Caſes wherein B. Bonds are taken, and the *ſame* Bail is put in above, Plaint. may except againſt it. *M.* 6 *G.* 2.

Bail can't be excepted to after Decl. deliver'd, unleſs it be deliver'd *De bene eſſe.*

2. *In what Times.*

If put in *before a Judge*, Exception to be in 20 D. after Notice of putting it in, (*M.* 16 *C.* 2. *B. R.*) and not afterwards. (*M.* 8 *A. B. R.*) Same Practice in *C. B.* If put in *before a Commiſſioner* Exception to be within 20 D. after Tranſmitted, and Notice of taking thereof. *T.* 4 *W. & M. B. R.* and *E.* 5 *W. & M. C. B.*

3. *How to except againſt Bail.*

Exception againſt Bail is made in the Bail-Book at the Judge's Chambers.	Except. is made in *Lond.* and *Mid.* in the Fila. Book, and in other Co. under B. Piece filed at the Fila. of the Co.

4. *Notice of Exception.*

To be given in Writing to Defendant's Attorney or Agent. *E.* 5 *G.* 2. *B. R.* *Same Practice in C. B.*

5. *When Filed, where no Exception.*

In *B. R.* If Bail be not excepted againſt within 20 D. after Notice of putting it in, then upon Affidavit of the Notice indorſed on the Back of the Bail-Piece (for which Oath no Fee to be taken) the Bail to be filed by Defendant's Attorney, within 4 Days after the End of the ſaid 20 Days. *Mich.* 16 *C.* 2.

Perfecting

K. B. *Perfecting Bail.* *C. P.*

1. When.

If *Not. of Excep.* be given *in Term*, the Bail must justify in 4 D. after such Not. or Deft. must add other Bail, who must justify within the said 4 D. But if *Excep.* and *Not.* thereof be *in Vac.* the Bail put in, or additional Bail, must justify on 1st D. of next Term. *E.* 5 *G.* 2.

The Defendant must perfect his Bail in 4 Days after Exception, or Plaintiff may proceed on the Bail-Bond. *T.* 3 *&* 4 *G.* 2. *N. B.* This Rule must be intended when Exception and Notice is in Term, as in *B. R.*

2. Where.

If Bail be taken *before a Judge*, Justification must be in Court; but by Consent of Plaintiff's Attorney, it may be at a Judge's Chambers.

If *before a Comr.* it may be in Court, either by Affidt. taken before the Comr. or by Oath in Court, or before a Judge. *T.* 4 *W.&M. B.R. E.* 5 *W.&M. C.B.*

3. Notice of Justifying.

2 Days Notice of Justification must be given exclusive of the Day it is given, and if *Sunday* intervenes, 3 Days Notice.

4. How.

In Court.

Get the Clerk of the Judge before whom the Bail was taken, to bring the B. Piece into Court. (Pay him 2 *s.* 6 *d.*)

Get the Filacer or his Deputy to attend with the Bail-Book or Bail-Piece. (Pay him 3 *s.* 4.)

Have the Bail ready with you in Court, and move by Counsel to justify.

Before a Judge.

The B. Piece remains at the Judge's Chambers till the Bail be perfected: Bring the Bail there to justify; pay in Term 1 *s.* in Vac. 2 *s.* each Person.

Get the Filacer to attend at the Judge's Chambers, pay him 3 *s.* 4 *d.* and have the Bail there. Pay at the Judge's 2 *s.*

Note; When Bail is taken in the Country, an Affidavit of Justification is usually annexed to the Bail-Piece, and then Exception is seldom taken; but if it be, the Affidavit may be produced either in Court or before a Judge for Justification.

Filing Bail.

When Bail is accepted, the Bail-Piece must be filed with Mr. *Hawley*. Pay 4 *d.*

On Bail being put in before a Judge, or transmitted from a Commissioner, it is immediately filed with the Filacer.

Declaration.

K. B. *Drawing and Ingrossing it*, &c. *C. P.*

To be ingrossed on Do. 1 *d.* Sta. Paper, and charged on the Back. Copy *per* fo. 4 *d.* and the Duty.

Warrant in any Action, 4 *d.* Filing Common Bail according to the Stat. 6 *s.* 8 *d.*

Warrant in *Debt*, *Trespass* and *Detinue*, 4 *d.* in other Actions, 8 *d.* Ap. according to the Statute, 5 *s.*

Delivering or Filing it.

1. *When Defendant appears.*

If Defendant's Attorney has appeared, Plaintiff's Attorney must deliver Decl. to him, whereupon he must pay for the same, Duty and Warrant; or on Refusal by him, or his Clerk in his Absence, or if his Abode be unknown, it may be left in the Office, and then on Notice thereof to Defendant or his Attorney (from the Time

Time of giving said Notice, and not before, Decl. is well deliv.) and on Rule to ple given, Judgment for want of Plea may be signed. And no Plea may be receiv till Decl. &c. paid for. *T.* 12 *W.* 3. & *T.* 2 *G.* 2. *B. R.* *Same Pract. in C. B.*

2. *When Appearance enter'd according to the Statute.*

In all Cases where Copy of Process is served, and Co. Bail is filed, or Appearan enter'd, according to the Stat. Copy of Decl. must be left in the Office, and Noti thereof given to Deft. or left at his last or usual Place of Abode, from the Time which Notice Decl. is well delivered; and if Deft. don't plead within the Ti limited, (a Rule to plead being given, and out) Judgment may be signed witho further calling for Plea. *Trin.* 1 *G.* 2. *B.R.* *Mich.* 1 *G.* 2. *C.B.*

3. *Gen. Rule for delivering Decl. on Process returnable 1st or 2d Return.*

Upon all Process ret. 1st or 2d Ret. of any Term, *if Plaintiff declares in* Lo *or* Mid. *and Deft. lives within* 20 *M. of* Lond. Decl. must be deliver'd with N to plead within 4 D. after Deliv. in which Time Deft. must plead without Imp And *if Plaintiff declares in any other County, or Deft. lives above* 20 *M. from* Lo Decl. to be deliv. with Not. to plead in 8 D. without Impar. or Judgment may signed. *Trin.* 5 & 6 *G.* 2. *B.R.* *Mich.* 3 *G.* 2. & *Easter* 3 *G.* 2. *C.B.*

4. *Of delivering Decl. on Process, returnable on other Returns.*

If the Process be ret. on any other Return, the Deft. is intitled to an Imp and in such Case Not. to be, for Deft. to plead within first 4 D. of next Term.

K. B. *When it may be delivered* De bene esse. *C. P.*

Upon all Process returnable 1st or 2d Ret. of any Term, Decl. may be delive *De bene esse* at the Return of the Process, with Notice to plead.

If no Affidt. of the Cause of Action be filed, in 8 D. after the Deliv. and if Deft. don't file Com. Bail, and plead in said 8 D. Plaintiff may file Com. Bail accord. to the Stat. and sign Judgment, Rule to plead having been duly entred: But *if such Affidavit be filed,* then in 4 D. after Delivery, if the Action be laid in *Lond.* or *Mid.* and Deft. lives within 20 M. of *Lond.* and in 8 D. if in any other Co. or Deft. lives above 20 M. from *Lond.* and if Deft. puts in Bail, and does not plead in the said respective Times, Judgm. may be signed, a Rule being duly entred. *M.* 10 *G.* 2.

As in the General Rule before mentio And where a *Common Appearance* is o *required,* if Deft. does not enter it, plead in Time, (a Rule to plead be given) Plaintiff may enter Appeara according to the Stat. and sign Ju ment: And where Defendant has p *Special Bail,* and does not plead in Ti (a Rule to plead being given, and Time out) Judgment may be signe Default. *M.* 3 *G.* 2.

When it may be delivered by the By.

If a Deft. is in Custody of the Marshal, *ad sect. J. S.* or has filed Com. Ba an Action at his Suit, any other Pltff. may declare against him of the same T he is committed, or put in Bail, without taking out further Process for hi answer. *Lil. Pract. Regist. Tit.* Decl.—And where Plaintiff in any Action Com. Bail according to the Stat. he may deliver a Decl. by the By against but no Person except such Plaintiff may deliver a Decl. by the By against any by reason of the same Com. Bail being filed. *M.* 10 *G.* 2. *B. R.*

K. B. **Imparlance.** *C. P.*

If a Decl. be not filed before last 4 D. of Term, Deft. is intitled to an Impa course. And so he is if Decl. be on Process return. any other Ret. than 1st or

Rule to Plead.

K. B.

To be given with the Clerk of the ules, (1 *s.* 4 *d.*) and (by Rule of *Trin.* G. 2.) Deft. must plead within 4 D. *xclusive*) after it is given.

C. P.

To be given with the proper Secondary (1 *s.* 4 *d.*) which (by *M.* 1654.) will be out in 4 D. inclusive of the D. whereon it is given: But Judgment may not be signed till the Aftern. of the next Day.

Sunday or any Holy-Day, on which the Court does not sit, is reckon'd a Day ithin the said Rule, except it happens to be the last of the 4 Days.

Demanding Plea, &c.

Pleadings to be demanded by Note in Writing. (In *C. B.* before Nine in the Even.) here Decl. is filed, and Notice thereof given, (unless *de bene esse*) there's no need further calling for Plea. *E.* 10 *G.* 2. *C. B.* *Same Pract. in B. R.*

Searching for Plea.

K. B.

Before you sign Judgment, search the eneral Issue Book with Mr. *Lantrow*; d if no Plea there, search the Plea ook with the proper Clerk of the Pa- ers. *Vid. Tit.* Plea.

C. P.

Before you sign Judgment, search the Plea Book at the Prothonotary's Office, for a Plea.

Plea.

K. B.

General Issue] Enter in a Book with r. *Lantrow*. (Pay 4 *d.*) Or it may be itten on Stamp, and deliver'd as in *B.* Which Book Plaintiff's Attorney ay search; and when he finds a Plea ter'd, he writes it in Form after his ecl. and delivers the Issue.

C. P.

General Issue is pleaded on Do. 1 *d.* St. No Counsel's Hand, and deliver'd to Plaintiff's Att. But if he's not to be found, or if he refuses to accept it, it may be left in the Office. *M.* 1654.

Special Plea to be written on Do. 1 *d.* St. signed by Couns. (in *C. B.* by a Serj. *mperuit ad diem*, *Son Assault Demesne*, *Plene administravit*, *Riens per Discent*, *unques Executor*, *Nul tiel Record*, *Per Minas*, *Per Dures*, *Infra Ætatem*, and *lvit ad Diem*, need no Serjeant's Hand; but *Non assumpsit infra sex annos* does. *. Rep. & Ca. Pra. C. B.* 41.) and if dilatory, Affidavit of the Truth thereof ust be annexed.

K. B.

It must be left with the Cl. of the Pa. Plaintiff's Name begins with *A.* with r. *Benton*, *B.* with Mr. *New*, and so ernately through the Alphabet.

C. P.

It may either be deliv. to Defendant's Attorn. (which is the usual Way) or filed with Prothon. and then Deft's Attorn. must take it out of the Office.

When to Plead.

For the Times of Pleading, see the General Rules, Tit. *Decl.* In *Abatement*, eft. must plead in 4 D. after Decl. deliver'd or filed; unless in Vac. and then he s 4 D. in the next Term to plead, as of preced. Term.

Replication, Rejoinder, &c.

K. B.

To compel Plaintiff to reply, get a D. Rule from the Master, which you ter with the Cl. of the Rules, and serve Plain. Attor. (Pay 1 *s.* 4 *d.*) and if he es not reply in Time, Demand being de, sign *Non pros.*

C. P.

To compel Plaintiff to reply, give a Rule with the Secondary (for which pay 1 *s.* 4 *d.*) Such Rule, and Rule to rejoin, may be given within 16 Days after Term.

Paper-

K. B. Paper-Book. C. P.

Carry Decl. to Clerk of the Pa. and he will make up Pa. Book, and give R. for Deft. to receive, and return it to be enter'd in 4 D. (Pay Cl. Pa. 10 *d. per Fo.* besides Stamps.) Deliver Pa. Book to Deft's Att. with Not. of Trial on the Back, and if he does not return it according to the Rule, sign Judgment, and execute Inquiry; but if he returns it in Time, and pays you 8 *d. per* Fo. for the Pleadings on his Part, proceed to Trial.

Paper Book is not made up on Pleading specially, as it is in *B. R.*

K. B. Issue. C. P.

When Issue is join'd, make it up; copy the same on Do. 1 *d.* Stampt Paper to deliver. Charge on the Back. – Copy 4 *d. per Fo.* the Duty, 2 *d.* every Sheet.

And Ent. Plea 1 *s.* | And Ent. Plea 2 *s.*

Which upon the Delivering to Defendant's Attorney he must pay. And upon the Back of the Issue you generally write the Notice of Trial.

K. B. Notice of Trial. C. P.

I. *At the Sittings in* London *and* Middlesex.

If Defendant lives *within* 40 *M. from* London, 8 Days Notice exclusive of the Day 'tis given. If *above* 40 *M.* 14 Days exclusive. 2 *Lilly* 242. *B. R. M.* 1654. *C. B.* By Stat. 14 *Geo.* 2. *c.* 17. 10 Days at least.

II. *At the Assizes.*

Ten Days at least. *Stat.* 14 *Geo.* 2. *c.* 17.

III. *On an old Issue*, &c.

If a Cause has been 4 Terms after Issue join'd, and in all Cases where there have been no Proceedings for 4 Terms, exclusive of the Term in which the last Proceeding was had, a Term's Notice must be given. Such Notice to be given before the Essoin-Day of the 5th or other subsequent Term; a Judge's Summons, if no Order made, is no Proceeding; but a Notice of Trial, tho' countermanded, is. *M.* 1654. and *E.* 13 *Geo.* 2. *C. B. Same Practice in B. R.*

IV. *New Notice.*

If Notice be given, and Cause not tried, but Plt. defers it longer than one Term after, a Term's Notice to be given. But if he tries it next Term after, no need of new Notice.

If Plt. gives Notice of Trial, and proceeds not, he can't try it without new Notice as before, unless by Consent or Rule of Court. *M.* 1654.

If Notice of Trial be given for a Sitting in *Lond.* or *Middx*, and the Cause not then tried, Plt. may try it the next Sitting on 2 Days Notice; but if not tried then, new Notice must be given. 2 *Lilly* 236. And if Defendant enters a *Ne recipiatur* in *Lond.* or *Middx.* and thereby hinders Plaintiff from trying his Cause that Sitting; he may try it the next Sitting, upon giving Notice during the 1st Sitting. *M.* 4 *A.*

In *Lond.* or *Middx.* if Notice be given for one Sitting, and the Plt. is not ready, he may give Notice before that Sitting, that he will try it the next Sitting. *M.* 1654.

V. *Before Issue join'd in C. P.*

To prevent Delays in trying Causes where a Plt. in pleading concludes *ad Patriam*, Deft.'s Attorney to accept Notice of Trial upon the Back of such Pleading,

Pleading, whether the ſame be deliver'd or left in the Office; which Notice ſhall be as good as if Iſſue join'd. *T.* 2 *Geo.* 1. *C. B.*

Countermand of Notice of Trial.

To be delivered in Writing at leaſt 6 D. before the intended Trial. *St.* 14 *G.* 2. *c.* 17. Unleſs at the Sittings, and Deft. lives within 40 M. then 2 Days before.

Brief.

To contain an Abſtract of the Pleadings, a State of the Caſe, the Proofs neceſſary to be made, and what is ſuppoſed will be objected, with Anſwers to thoſe Objections.

K. B. Record of Niſi Prius. *C. P.*

How paſſed.

To be ingroſſed on a double 2*s.* 6*d.* ſtamp'd Parchment. The Iſſue, or an *Incipitur* thereof to be enter'd on the Roll. Carry the Record and Roll to

Mr. *Lantrow*, and the Iſſue Paper. Pay him for entering Iſſue not exceeding 10 Sheets, 3*s.* 6*d.* and 1*s.* for every 6 more. Then to Mr. *Tully*, to whom pay 7*s.* 6*d.* for the firſt 8 Sheets of the Record, and 7*s.* for every 8 more; and if above 3 W. from End of Term 2*s.* for Judge's Warrant.

The Prothonotary, who ſigns the Record, pay 1*s.* and for entring Iſſue 2*s.* a Count. or if Special 8*d. per fo.* File Warrants of Attorney with the Clerk of the Warrants, or carry them with the Record to the *Ni. Pri.* Office, and the Cl. of the *Jurata's* will examine the *Jurata*; pay at Sittings 1*s.* at Aſſiz. 6*d.* and then deliver the Warrants of Attorney (if not already filed) and the Record to Mr. *Maidſtone*, (who will take the Fee for the Warrants) Pay him 2*s.* for 1ſt 3 Sh. and 4*d.* for every other Sh. and 2*s.* 2*d.* for the Seal. If 3 W. after Term 2*s.* for Judge's Warrant.

B. R. Venire Facias. *C. B.*

You may buy a Blank at a Stationer's. (1*s.* 6*d.* $\frac{1}{8}$) Fill it up.

Not to be ſigned. | Get it ſigned by the Prothon. 1*s.* 4*d.*

Sealed (7*d.*) and returned by the Sheriff (2*s.* or 2*s.* 6*d.*)

Diſtr' Jur'.

Get a treble 6*d.* Stamp'd Piece of Parchment, write the Diſtringas. Not to be ſigned. Sealing 7*d.*

Ha' Corpora.

Get a Blank (1*s.* 6*d.* $\frac{1}{2}$.) fill it up, carry it with the *Ven.* to the Petty-Bag-Office, and the Clerk will examine and ſign it. (pay in *Lond.* or *Middx.* 2*s.* At Aſſizes 1*s.* 9*d.*) Sealing 7*d.* No Præcipe is made for the Office. If the Cauſe be not tried at the Time mentioned in the *Ha. Cor.* make out a new one, but if you carry the old one, you ſave 1*s.* 1*d.* Which Writs of Diſtringas or *Ha. Corpora* muſt be returned by the Sheriff.

Subp. ad Teſt.'

Get a Blank (1*s.* 6*d.* $\frac{1}{2}$.) fill it up, 4 Witneſſes may be in one Subp.

Make a Note for the Office. | No Note for the Office.

Signed by Mr. *Hawley* 1*s.* 8*d.* | Signing by Prothonotary 1*s.*

Sealing 7*d.* | Sealing 7*d.*

Each Witneſs muſt be ſerved with a Ticket and paid 1*s.*

Entering

K. B. Entring Causes for Trial. C. P.

I. *In* London *or* Middlesex.

Causes for Trial must be entered in the Marshal's Book 2 D. at least exclusiv before the Sitting whereon they are to be tried; or the Marshal may enter a *Recipiatur* at Deft.'s Request. 15 & 16 *C. 2. B. R. Easter* 1 *Ja.* 2. *C. B.*

But by *Not. fix'd up in K.B. Office, M.* 17 *G.* 2. No Record or Writ of *Ni. Pri.* will be received at any Sitting after Term in *Middl.* unless deliver'd to and entred with the Marshal within 2 D. after the last D. of every Term; nor at any Sitting after Term in *Lond.* unless delivered to

But by *Not. put up in the Protho. Offi H.* 8. *G.* 1. No *Recip.* shall be enter'd f the Sittings of *Ni. Pri.* after every Ter unless the Record and Writ be broug into Court on or before the Days a Sittings respectively.

and enter'd with the Marshal the Day before the Day to which the Sittings in *Lo* shall be first adjourned. And every *Ni. Pri.* Cause in *London* and *Middlesex* m be tried in the Order in which it is entred (beginning with *Remanets*) unless order to the contrary by the Judge, on reasonable Cause shewn.

2. *At the Assizes.*

The Writ and Record to be entred with the Marshal before first Sitting of t Court after Commission-Day, except in the Counties of *York* and *Norfolk*, and th before first Sitting of the Court on the 2d Day after the Commission-Day. A every Cause must be tried in the Order it is entred in, unless the Court ord otherwise. *T.* 10 & 11 *G.* 2. & *H.* 14 *G.* 2. By the twelve Judges.

K. B. Postea. C. P.

After Trial in *Lond.* or *Mid.* the Associate will deliver the Record with the Distr. and Pannel annexed; and then you indorse the *Postea* yourself on the Back of the Record. But after Trial at the

The Associate writes the *Postea.* tried in Term, call on him about the Day after; and if tried in Vac. call 5th Day of the ensuing Term.

Assizes, the Associate keeps the Record and Distr. till the next Term, and in Interim indorses the *Postea*. And (by *T.* 2 *Jac.* 1. *B.R.*) *Posteas* must be mar by Clerk of the *Posteas* within 2 Days after it is received. Pay him 4 *d.*

K. B. Rolls. C. P.

When to be carried in.

Those of *T. M.* and *H.* Terms, before the Essoin D. of every subsequent Term; and of *E.* Term before the 1st D. of *T.* Term. *M.* 5 *A.*

Those of *E.* Term, at or before D. of *T.* Term; of *T.* Term, at or fore *Mich.* D. of *M.* Term, at or be 6 *Jan.* and of *H.* Term, 4 D. be *E.* Day. *E.* 34 *C.* 2.

Docketing Entries.

Get Numbers for your Rolls, from the *Ni. Pri.* Office, docket your Entries on a Piece of unstamp'd Paper, carry them to Mr. *Lantrow*, pay him 3 *s.* and to Mr. *Tully* 2 *d.* each Warrant.

When you carry in your Rolls, doc your Entries at the Prothon. Office, the Docket Roll of the Term, of w they are entred. Pay nothing.

Final Judgment.

K. B.

After the *Postea* is *marked*, if Plaintiff a Verdict, give a Rule for final gment with Cl. of the Rules (1 *s.* 4 *d.*) ich will be out in 4 D. if *Sunday* don't rvene; in which Time Deft. may ve in Arrest of Judgment; but if he s not; stamp the *Postea* (Do. 2 *s.* 6 *d.*) and thereupon the Master will sign gment and tax the Costs. No need uch Rule after Nonsuit.

C. P.

No Rule for Final Judgment to be given, but you stay the same Time as in *B. R.* After which stamp your *Postea*, (Do. 2 *s.* 6 *d.* Stamp) upon which the Prothonotary will sign Judgment, and tax the Costs. Immediately after it is signed, the *Postea* must be delivered to the Clerk of the Judgments. 13 *G.* 2. Pay him 2 *s.*

Execution.

K. B.

A *Ca. Sa. Fi. Fa.* or an *Elegit*, must be written on a treble 6 *d.* Stamp.

Neither *Ca. Sa.* nor *Fi. Fa.* to be ned. Sealing, 7 *d.* each. *Elegit* to igned by Mr. *Hawley*, (1 *s.* 8 *d.*) and ed. (7 *d.*)

C. P.

Ca. Sa. or *Fi. Fa.* must be signed by the Prothon. (4 *d.* each) and sealed (7 *d.* each) and if a *Testat.* 8 *d.* Signing, and 1 *s.* 2 *d.* Sealing.

Surrender in Discharge of Bail.

Bail sued in *Debt on Recog.* in *B. R.* has 8 Days after Return of the Process to render Deft. (*T.* 1 *A.*) in *C. B.* on or before the Return of the Process (*M.* 54.) And being sued by *Sci. Fa.* he may be surrender'd at any Time before Return of the *Sci. Fa.* if ret. *Sci. Feci*, or of the *Al' Sci. Fa.* if the 1st be rn'd *Nihil*, &c.

Non-pros.

If Plt. does not declare, either of the Term the Writ is returnable, or before End of the ensuing Term, Deft. having appeared, and in *C. B.* given a Rule declare either at the End of said ensuing Term or in 4 D. after, and demanded d. by Note in Writing, (which Rule is not given, nor Demand made in *B. R.*) y sign a *Non Pros'* at any Time in the Vac. of such ensuing Term, and not r. 1 *Instr. Cler.* 74. *B. R.* *Reg. Hill.* 9 *A. Not. Mich.* 1 *Geo.* 2. *C. B.*

Judgment by Default or Confession.

K. B.

Make an *Incipitur* of the Decl. on a double 1 *d.* Stamp, if the Judgment be in-locutory, or on a double 2 *s.* 6 *d.* Stamp, if it be final; and an *Incip.* on the Roll. Carry them to Mr. *Lantrow*, and will sign Judgment; and if it is final the Master to tax the Costs.

C. P.

Make out Warrants of Att. file them with the Cl. of the Warr. (pay in *Debt*, *Trespass*, and *Detinue* 4 *d.* each, in other Actions 8 *d.* each) and he marks the Judgment Paper, then carry it with the Draught of the Decl. to the Prothon. who signs Judgment.

Writ of Inquiry.

K. B. **C. P.**

I. *Notice of executing it.*

f executed in *Lond.* or *Middx.* and Defendt. lives within 40 M. from *London*, ays Notice exclusive to be given; if he lives above 40 M. 14 Days exclusive. f executed *in the Country*, 8 Days Notice exclusive. *M.* 1654. *C. B.* Same ice in *B. R.*

Where

Where Plaintiff concludes *ad Patriam* upon Deft's Plea, and gives Notice of Trial upon the Paper-Book, and thereupon Deft. to hinder the Trial of the Iſſue demurs upon the Repl. and Plaintiff joins in Demurrer, and gets Judgment, Deft's Att. ſhall accept Notice of Inquiry, from the Time of giving ſuch Notice of Trial. *H.* 8. *G.* 1.

Where Pltff. concludes *ad Patr.* and gives Notice of Trial on the Back of his Pleading, if Deft. does not join Iſſue before the Rule be out, in ſuch Caſe after Judgment, Deft's Att. ſhall accept Notice of Inquiry from the Time of giving ſaid Notice of Trial. *H.* 6 *G.* 1. And where Deft. demurs to Plt.'s Decl. Deft.'s Att. ſhall accept Notice of Inquiry on the Back of the Joinder in Demurrer. And where Deft. pleads ſuch a dilatory Plea, that Plt. is obliged to demur to, Deft.'s Attorney ſhall accept Notice of Inquiry on the Back of the Demurrer. *T.* 10 *Geo.* 1.

II. *Making it out and Executing it*, &c.

To be written on treble 6*d.* Stampt Parchment. In *B. R.* not to be ſigned. In *C. B.* to be ſigned by the Prothon.; pay him according to the Length. Sealing 7*d.* You may ſue out *Subp. ad Teſt.* as in Caſes of Trial. Indorſe the Place where you have given Notice for the Execution; carry the Writ of Inquiry to the Sheriff 2 D. before you execute it; and he will cauſe a Jury to be return'd. In *London* you pay him 1*l.* 7*s.* 4*d.* and for every Witneſs 4*d.* In *Middleſex* and moſt Counties you pay 1*l.* 10*s.* 6*d.* The Inquiſition muſt be ſtamp'd with a double 2*s.* 6*d.* Stamp. In *B. R.* a Rule muſt be given for Judgment, but not in *C. B.* 4 Days after the Return of the Inquiry being expired ſign Final Judgment, as upon a *Poſtea*.

K. B. Proceedings againſt Priſoners. *C. P.*

I. *Declaration.*

To be delivered before the End of the next Term, after Return of the Proceſs or Surrender in Diſch. of Bail, to the Keeper, Gaoler, or Turnkey, and at the ſame Time aſk him if Deft. is not his Priſoner, who muſt deliver it to the Priſoner, or you may deliver it to the Priſoner himſelf.

II. *Charging Defendant in Cuſtody.*

1. *In the King's Bench Priſon.* | 1. *In the Fleet.*

Affidavit that Cauſe of Action amounts to 10*l.* muſt be filed in *B. R.* with the Cl. of the Rules, in *C. B.* with the Prothon. who takes for the Entry of the Decl. and the Sum indorſed on the Decl. before it is left with the Turnkey in *B. R.* or with the Cl. of the Papers of the Fleet in *C. B.*

2. *In Newgate, Ludgate, or other County Gaol.*

There muſt be a Proceſs to charge Deft. in Cuſtody directed to the Sheriff.

Affidavit of delivering Decl. and Rule to Appear and Plead.

An Affidavit of delivering Decl. muſt be made, and a Copy on double 6*d.* St. annexed to a Copy of Decl. on a double 1*d.* St. file the Or. Affidt. in *B. R.* with Clerk of the Rules (within 20 D. after the End of the Term the Proceſs return. in) and in *C. B.* with the Secondary, (in the like Time, except in *E.* Term, and then in 10 D.) and he will give a Rule to plead; and in Default thereof,

(Plea being demanded) Judgment may be ſigned. But if Deft. is in Cuſtody of the Marſhal, no ſuch Affidt. is requiſite, but a Rule to plead may be given of courſe.

Upon producing ſaid Copy of the Affidt. together with a Certific. from the Proper Officer, that no Appear. is enter'd, to the Prothon. he will ſign Judgment.

III.

III. *When to appear and plead.*

1. *If Copy of Decl. be deliver'd before 3d Return of* E. *or* M. *Term.*

By *Reg. E.* 5. *W. & M.* upon mesne Process Ret. 1st Day of *E.* or *M.* Term.

By *Reg. E.* 5. *W. & M.* (*No Mention made of the Ret. of the Proc. as in* B. R.)

Affidt. of the Delivery thereof being filed, if Deft. does not appear in 10 Days after *E.* or *M.* Terms respectively, Judgment may be signed, Rule having been given (and in *C. B.* said Certificate being produced.) But if he appears he shall imparl till the next Term; unless the Action be in *Lond.* or *Middx.* and Deft. be in Prison within 40 M. of *London* or *Westm.* and then he shall plead 2 Days before the Essoin-day of the next Term.

2. *If deliver'd on or after the 3d Ret. of* E. *or* M. *or any Time in* H. *or* T. And Deft. appears 2 Days before the Essoin-day of next Term, he shall imparl to said next Term; but if he does not appear in that Time, Judgm. may be sign'd.

3. *If Process be returnable one Term, and Decl. del. before the Essoin-day of next.* Plt. in such next Term may give Rules to appear and plead; and if Deft. does not appear and plead by the Expiration of the Rules, Judgment to be enter'd.

IV. *Issue, Trial, Judgment, and Execution.*

Plt. must deliver Issue, and proceed to Trial or Judgment within 3 Terms after Decl. del. or after Render, if Decl. was delivered before; and to Execution 2 Terms after Judgment, or Defendant may be discharg'd.

V. *How to Charge a Prisoner in Execution.*

In the King's Bench Prison.

Get a Rule from Mr. *Mundy* (4*s.*) serve the Marshal with Copy, under which he will write his Acknowledgment of Deft.'s being in his Custody (10*s.* 6*d.*) Enter the *Committitur* in the Marshal's Book at Mr. *Lantrow*'s Office (2*s.*) file it with Mr. *Hawley* (2*s.*)

In the Fleet.

Make out a *Ha. Cor. ad Satisfaciend.* St. 5*s.* ½. sign'd by Prothon. 1*s.* 4*d.* Seal. 7*d.* Backing by a Judge 4*s.* Carry it to Cl. of Papers at the Fleet 4 Days before the Ret. (9*s.* 2*d.*) pay to the Treasury Keeper on bringing the Roll into Court 2*s.* on which the Final Judgment must be enter'd; therefore give the Clerk of the Judgment 2 or 3 Days Notice before-hand. Bringing up Deft. 10*s.* 6*d.* To the Cryer 2*s.* To the Secondary 9*s.*

VI. *How to discharge Prisoners for Want of Plaintiffs Proceeding.*

1. *For want of Decl.*] If in a *County Gaol*, get a Certificate from the Gaoler of the Causes he is charg'd with, and a Certificate from the Cl. Decl. in *B. R.* or the 3 Prothon in *C. B.* and thereupon in *B. R.* make a Common Bail-Piece with a *Fiat* made for a Judge to sign; but in *C. B.* get the Judge's *Fiat*, which carry to the Filacer, and he will enter Appearance and make out the Supersedeas. But in *B. R.* the Attorney makes it out: If Defendant is *in Custod. Mar.* get a Certificate from the Clerk of the Papers of *B. R.* Prison, and from the Clerk of the Decl. and thereupon a Judge will order Com. Bail to be filed, and upon a Certificate thereof, the Marshal will discharge Deft. without a Supersedeas.

2. *For not proceeding to Judgm. or Execution.*] Summon Plt. to shew Cause why a Supersedeas should not be granted, which (if no Cause shewn to the contrary) he will grant on filing Common Bail, or entring Appearance. But if Defendant is *in Custod. Mar.* then on Summons, and no Cause shewn to the contrary, the Judge will order Defendant to be discharged on filing Com. Bail, without any Writ of Supersedeas.

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